

Constitutional Convention of Pennsylvania.

EXECUTIVE COMMITTEE ROOMS,
PHILADELPHIA, November 18, 1873. }

TO THE PEOPLE OF PENNSYLVANIA:

The Convention assembled by your direction to reform the Constitution of the State have finished the work which you gave them to do. In submitting it for your approval we invoke your careful consideration. That it is without fault we dare not affirm, but that it adds new and valuable securities to the rights of person and of property we confidently assert. The mode by which the members of the Convention were elected secured a body of men who had neither the opportunity nor the inclination to mould the instrument in the interests of any party, or of any private interest whatever.

It would be manifestly inappropriate to attempt any detailed analysis of the proposed Constitution, but it is proper that its leading features should be briefly indicated. It consists of eighteen articles, viz.:

ARTICLE I.—*Bill of Rights.*

ARTICLE II.—*The Legislature.*

ARTICLE III.—*Legislation.*

ARTICLE IV.—*The Executive.*

ARTICLE V.—*The Judiciary.*

ARTICLE VI.—*Impeachment and Removal from Office.*

ARTICLE VII.—*Oaths of Office.*

ARTICLE VIII.—*Suffrage and Elections.*

ARTICLE IX.—*Taxation and Finance.*

ARTICLE X.—*Education.*

ARTICLE XI.—*Militia.*

ARTICLE XII.—*Public Officers.*

ARTICLE XIII.—*New Counties.*

ARTICLE XIV.—*County Officers.*

ARTICLE XV.—*Cities and City Charters.*

ARTICLE XVI.—*Private Corporations.*

ARTICLE XVII.—*Railroads and Canals.*

ARTICLE XVIII.—*Future Amendments.*

To these is added the Schedule, which embraces such temporary provisions as are necessary to regulate the changes which have been made, and to put the new Constitution, if adopted, in effective operation. Under these heads are embraced all matters which were thought to be appropriate to constitutional provision. It has carefully avoided matters of detail, except in such particulars as it was supposed either from their great importance or the difficulty attending legislative enactment, might render legislation difficult or insufficient.

The Committee desires to call attention to the following important particulars, in which the proposed Constitution differs from that now in force.

The General Assembly will consist of fifty (50) Senators, and such number of members of the House of Representatives as shall be determined by dividing the population of the State, as ascertained by the most recent United States census, by two hundred; but every county shall have at least one representative. Under this apportionment the House will consist of about two hundred members. This change is accompanied by such provisions as will for the most part avoid legislative apportionments, which experience has shown to be made usually in the interest of the dominant party and sometimes at the sacrifice of fair representation.

The regular sessions of the Legislature will be held only every other year, but the Governor may, in an emergency, convene it in special session.

The increased number is not equal to the ratio of representation when the existing Constitution was adopted, and was deemed important not only as maintaining a ratio of representation approximating to our increase of population, but because it was believed that an increase of members would render improper influences more difficult, and would ensure a more faithful exercise of legislative functions.

The article on legislation requires that every bill shall be read at length on three different days in each House, and no bill shall become a law unless passed by a majority of the members elected to each House; nor unless on its final passage the vote is taken by yeas and nays and the vote of each member entered on the journal. The Legislature is restrained from passing local or special laws upon a number of specified subjects, which it was thought could be much more appropriately embraced within general laws of uniform operation. Among the subjects upon which special laws are prohibited are: Laws regulating the affairs of counties, cities or townships, or prescribing the duties of their officers; changing the laws of descent or succession; granting divorces; regulating the practice or jurisdiction of courts, aldermen or justices of the peace;

to change the methods of collecting debts or the lien of judgments; regulating official fees or remitting fines, penalties and forfeitures, or refunding moneys legally paid into the State Treasury; or exempting property from taxation; or erecting corporations or granting special or exclusive privileges or immunities to corporations—all of which were fruitful sources of popular suspicion of legislative corruption, and all of which can be more efficiently and justly provided for by general laws, and some of which are peculiarly within the province of judicial determination, and ought not to be open to the shifting and uncertain action of the Legislature.

The Legislature is also restrained from limiting the amount to be recovered for injuries resulting in death; or for injuries to persons or property; or from exchanging or releasing any corporate obligation held by the State, except by payment of the money into the treasury. No local or special bill can be passed unless notice of the intention to apply therefor shall have been published in the locality where the thing to be affected may be situate, at least thirty days prior to the introduction of such bill, and evidence of such publication shall be exhibited to the Legislature before the act shall be passed.

To insure official fidelity, so far as possible, it is provided that any member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, any money or thing of value or appointment, or personal advantage, or promise thereof, for his vote or official influence; or for withholding the same, shall be held guilty of bribery, and be disqualified from holding any office or position of profit in the State; and the like punishment is provided for any person who shall influence, or attempt to influence, corruptly, any member of the General Assembly.

Some important changes have been made in the Executive Department. The Governor shall hold his office for four years, but shall not be eligible for the next succeeding term; but this provision does not apply to the term of the present Governor. A Lieutenant Governor shall be chosen at the same time and for the same term, who shall be President of the Senate, but shall have no vote unless they be equally divided, and shall exercise the office of Governor in the event of the death or disability of that officer.

Executive appointments are to be made by and with the advice and consent of two-thirds of the Senate, who, in confirming or rejecting nominations, shall sit with open doors, and the vote be taken by yeas and nays and be entered on the journal.

The Secretary of Internal Affairs will take the place of the Surveyor General after his term expires, and will have charge of the Land Office; his department will also embrace a bureau of industrial statistics and such duties relating to corporations, to charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material interests of the State, as may be by law assigned thereto. The duties which will devolve upon this department will be of great advantage to the State, in presenting such reliable and valuable information of our natural resources and rapid development as will attract to the State both population and capital.

This article also authorizes the Governor to veto any one or more items of any bill making appropriations of money, and to approve the rest. This

is to correct an abuse of great magnitude and long standing, by which appropriations introduced into the general bill providing for the expenses of the State, and which of themselves could not be sustained, must be approved, or leave the State without appropriation for its support. It is a most valuable provision. This article also prohibits the Governor from granting pardons or commutations of sentence, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice, and in open session; and such recommendation with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

The judiciary article requires the election of all judges, and continues the term of all present judges until the expiration of their commissions.

The number of Judges of the Supreme Court is increased to seven, and judges of that court elected under this Constitution will be commissioned for twenty-one years, and are ineligible to re-election. All patronage by appointment or otherwise is taken from them, and no duties can be imposed upon them except such as are judicial.

Each county having a population of 40,000 is constituted a separate judicial district and entitled to elect a judge. The office of Associate Judge not learned in the law is abolished in counties forming separate districts, but Associate Judges in office, when this Constitution is accepted, serve for their unexpired terms.

The increase of judges under this provision is not large, and the increased expense not great. Whilst some additional duties imposed upon judges will render this provision of great convenience to the people, more especially of sparsely settled districts, it is to be observed that whilst the provision entitles any county having the requisite population to be constituted a separate judicial district, it does not require that there shall be, as has been erroneously stated, a judge for every 40,000 of population.

The Court of Nisi Prius is abolished, and no court of original jurisdiction, to be presided over by any Judge of the Supreme Court, can be established. The great inconvenience to which the appellate business of the Supreme Court was subjected by reason of this Court is well known, both to counsel and suitors.

To the end that the judicial system of the State should be harmonized, and the law and practice of the courts brought into unison throughout the Commonwealth, District Courts have been abolished, and their jurisdiction merged in that of the Courts of Common Pleas; and their Judges will become Judges of the Courts of Common Pleas.

The Register's Court is abolished as being supernumerary and useless.

In counties wherein the population exceeds 150,000, the General Assembly *shall*, and in any other county *may*, establish a separate Orphans' Court, and thereupon the jurisdiction of the Court of Common Pleas in Orphans' Court matters in such county shall cease. The Judge of the Orphans' Court, assisted by the Register, who will be *ex officio* clerk of such Orphans' Court, shall audit all accounts which require auditing *without expense to the parties*.

In civil cases the parties may, by agreement filed, dispense with trial by jury, and submit the case to the decision of the Court, with right to writ of error as in other cases.

Justices of the peace continue without any material change.

In Philadelphia the office of alderman is abolished, and, in lieu thereof, there shall be established for each 30,000 inhabitants one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars. The magistrates are to hold office for five years, and to be elected by general ticket by the qualified voters at large. No voter shall vote for more than two-thirds of the number to be elected. They shall be compensated only by fixed salaries to be paid by said county, and all fines, fees, and penalties are to be paid into the County Treasury. Under this system it is believed that competent and reliable aldermen, approved by official experience and integrity, will be retained, and only men of approved fitness will be elected, since the mode of election allows large discrimination in choice, which in so large a constituency will be freely exercised.

The Sixth Article subjects the Governor and all other civil officers of the Commonwealth to impeachment for misdemeanor in office, and subjects all appointed officers—other than judges of the Courts of record and the Superintendent of Public Instruction—to removal, at the pleasure of the power by which they shall have been appointed.

The Seventh Article requires Senators and Representatives, and all Judicial, State and County officers, to take and subscribe the usual oath to support the Constitution and discharge their duties of office with fidelity; and, in addition, that they have not knowingly violated any election laws of the Commonwealth, or procured it to be done by others, and that they will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to such office other than the compensation allowed by law; and provides that any one convicted of having sworn or affirmed falsely shall be guilty of perjury and forever disqualified for holding any office of trust or profit within this Commonwealth.

The Article on Suffrage and Election provides that the general elections shall be held annually on the Tuesday next following the first Monday of November, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto. Elections for city, ward, borough and township officers will be held on the third Tuesday of February. In elections by the citizens, every ballot voted shall be numbered in the order in which it shall be received, and the number recorded on the list of voters opposite the name of the voter. Soldiers in service may vote under such regulations as may be prescribed by law. All laws regulating elections by the citizens shall be uniform throughout the State. Any person who shall give or promise, or offer to give to any elector, or any elector who shall receive any money or other valuable consideration for his vote, or for withholding his vote, shall forfeit his right to vote at such election, and if challenged for such cause, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received. Any candidate for office guilty of bribery, fraud or willful violation of any election law, is disqualified from holding any office of trust or profit in this Commonwealth, and to be deprived of the right of suffrage for a term of four years.

The Court of Common Pleas of the several counties shall have power upon petition of five citizens, lawful voters of the district, to appoint two

overseers of election to supervise the proceedings of the election officers, and to make report to the Court, as may be required.

The trial of contested elections of electors of President and Vice President of the United States, members of the General Assembly, and all public officers, judicial, municipal or local, shall be by the Courts, as may be prescribed by general law.

The Article on Taxation and Finance requires that all taxes shall be uniform upon the same class of subjects. All property shall be subject to taxation, but the General Assembly may, by general law, exempt public property used for public purposes, actual places of religious worship, places of burial not held for private or corporate profit, and institutions of purely public charity.

Neither the State, nor any county, city, borough or township shall loan their credit or become stockholders in any company, association or corporation.

Municipal debts shall not exceed seven per cent. of the assessed value of its taxable property; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

The State sinking fund shall be maintained, and the debt reduced by not less than \$250,000 per annum; and the money of the sinking fund shall not be invested or loaned upon the security of anything except the bonds of the United States or of this State.

The making of profit out of public money, or using it for any purpose not authorized by law, shall be a misdemeanor, punishable by law—and part of the punishment shall be disqualification to hold office for a period not less than five years.

The Tenth Article requires the maintenance of an efficient system of public schools and an appropriation of one million of dollars each year for this purpose. It forbids the appropriation of any of the school fund to the support of any sectarian school, and renders women eligible to any office of control of the schools.

The Eleventh Article provides for the organization of the Militia.

The Twelfth forbids persons holding offices of profit under the United States from holding office of profit under the State, and disqualifies all persons who shall fight a duel, or send a challenge for that purpose, or be aider or abettor of a duel, from holding any office of honor or profit in this State.

The Thirteenth Article forbids the erection of any new county which shall reduce any county to less than four hundred square miles, or less than 20,000 inhabitants, or the erection of any county of less area or less population, nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

The Fourteenth Article provides for the election and qualification of county officers. In counties exceeding 150,000 inhabitants, all county officers shall be paid by fixed salaries, and all fees collected shall be paid into the county treasury. In the election of County Commissioners in any county, each elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected. This is to secure a representative of the minority party in every board of commissioners.

Under the Fifteenth Article cities may be chartered whenever any town or borough of not less than 10,000 population shall vote in favor of it. They shall contract no debt except in pursuance of an appropriation previously made, and they shall create a sinking fund pledged for its payment.

By the Article on Private Corporations, the State may, under its rights of eminent domain, take the property and franchise of incorporated companies and subject them to public use, the same as the property of individuals.

Foreign corporations are required to have a place of business and an authorized agent within the State upon whom process may be served. Corporations are confined expressly to the business authorized by their charters. Assessments of damages shall, on demand of either party, be determined by a jury. All fictitious increase of stock or indebtedness is forbidden.

Any association or corporation organized for the purpose, or any individual shall have the right to construct and maintain lines of telegraph within the State, and connect the same with other lines, subject to regulation by law.

The Seventeenth Article on Railroads and Canals provides for a free railroad law in the fullest and most explicit manner, and gives to every railroad company the right, with its road, to intersect, connect with or cross any other railroad, and requires them to transport each the other's passengers, tonnage and cars loaded or empty without delay or discrimination. It requires them to maintain an office in the State, where transfers of stock are to be made, and where books shall be kept for inspection by parties in interest.

All persons shall have equal right of transportation, and no unreasonable discrimination shall be made in charges or in facilities for transportation, and persons and property shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station.

Railroad companies are forbidden to consolidate with, or own, or control competing lines, or to engage in any other business than that of common carriers, or to own or acquire lands, except such as shall be necessary for carrying on its business; discriminations in charges by drawbacks or otherwise are forbidden. Free passes, except to officers and employees, shall not be issued.

Street passenger railroads shall not be constructed without the consent of local authorities.

The Article on Future Amendments authorizes amendments to the Constitution, when proposed by the act of two successive Legislatures and submitted to and approved by the people, but no amendment shall be submitted oftener than once in five years. When two or more amendments are submitted, they shall be voted upon separately.

The Schedule provides that the Constitution shall take effect on the first day of January, 1874. The first election for Governor shall be in 1875, for a term of three years, and thereafter the term shall be four years. The Lieutenant Governor shall be elected in 1874, for four years. Provision is also made for the first election of senators and members, for

judges and county officers and other matters of detail, but it is not deemed necessary to refer to them specifically.

This review of the proposed Constitution gives a brief synopsis of its leading features, but it is not intended to supersede the examination of its full text. We confidently believe that the more carefully it is considered, and its dependent bearings understood, the more it will commend itself to public approval. It is the result of careful and impartial deliberation by the Convention upon the true relations of the Government to the people, and is submitted with full confidence that if adopted it will correct great abuses, ensure a more perfect system of popular elections, greater fidelity in the discharge of legislative and official duties, save vast sums of money to the treasury, reduce taxation and, by the additional securities it will afford to business investments, will insure to our State both population and capital. With hope and confidence that the new Constitution will receive your approval, we submit it to your judgment.

W. H. ARMSTRONG, *Chairman.*

HARRY WHITE,

CHAS. R. BUCKALEW,

THOMAS HOWARD,

ROBERT A. LAMBERTON,

GEORGE V. LAWRENCE,

JAMES W. M. NEWLIN,

JOHN GIBSON,

JOHN R. READ,

JNO. PRICE WETHERILL,

JAMES P. BARR,

RASSELAS BROWN,

FRANK MANTOR.

Executive
Committee
of the
Convention.

CONSTITUTION

OF THE

COMMONWEALTH OF PENNSYLVANIA.

PREAMBLE.

WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I.

Declaration of Rights.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare that

SECTION 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Equality and
Rights of Men.

SEC. 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

Political Powers
inherent in the
people. Their
right to reform
Government.

SEC. 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

Natural rights of
conscience and
freedom of wor-
ship.

Religious Opin-
ions not to dis-
qualify for hold-
ing office.

SEC. 4. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Freedom of Elec-
tions.

SEC. 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Trial by Jury.

SEC. 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Freedom of the
Press.

SEC. 7. The printing press shall be free to every person who may undertake to examine the proceedings of the legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Searches and Sei-
zures limited.

SEC. 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Rights of Defence
and Privileges
in criminal pro-
secutions.

SEC. 9. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Criminal Infor-
mations limited.
Twice in jeopar-
dy. Appropria-
tion of private
property to pub-
lic use.

SEC. 10. No person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

SEC. 11. All courts shall be open; and every man for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the legislature may by law direct.

Administration of Justice to be Free. Suits against the Commonwealth.

SEC. 12. No power of suspending laws shall be exercised unless by the legislature or by its authority.

Limitation upon suspension of laws.

SEC. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Excessive bail or fines and cruel punishment forbidden.

SEC. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Prisoners Bailable. Habeas Corpus.

SEC. 15. No commission of Oyer and Terminer or Jail Delivery shall be issued.

No Commission of Oyer and Terminer to issue.

SEC. 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Imprisonment of insolvent debtors limited.

SEC. 17. No *ex post facto* law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

Laws *ex post facto* or impairing contracts, irrevocable grants, &c., forbidden.

SEC. 18. No person shall be attainted of treason or felony by the legislature.

No legislative attainder of treason or felony.

SEC. 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

Attainder shall not work corruption of blood or forfeiture beyond life.

SEC. 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

No forfeiture for suicide or in case of death by casualty.

Rights of Meeting and petition.

SEC. 21. The right of the citizens to bear arms in defence of themselves and the State shall not be questioned.

Right to bear arms.

SEC. 22. No standing army shall, in time of peace, be kept up without the consent of the legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Subordination of the military to the civil power.

SEC. 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Quartering of troops in houses.

SEC. 24. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

No title of nobility to be created, etc., or office tenure beyond good behavior.

Emigration permitted.

SEC. 25. Emigration from the State shall not be prohibited.

Everything in this article excepted from the powers of Government.

SEC. 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

ARTICLE II.

The Legislature.

The legislative power vested.

SECTION 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

Biennial elections.

SEC. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Legislative terms.

SEC. 3. Senators shall be elected for the term of four years and Representatives for the term of two years.

Biennial meetings.
Special sessions.

SEC. 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

Qualifications of Senators and Representatives.

SEC. 5. Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State,) and shall reside in their respective districts during their terms of service.

Disqualification for appointment to office.

Members of Congress, etc., ineligible to General Assembly.

SEC. 6. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in office.

Conviction of certain crimes to disqualify.

SEC. 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

Compensation.

SEC. 8. The members of the General Assembly shall receive such salary and mileage for regular and special ses-

sions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

SEC. 9. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President *pro tempore*, who shall perform the duties of the Lieutenant-Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

Presiding officers.

Each House to judge of the qualifications of its members.

SEC. 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Quorum.

SEC. 11. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offence.

Powers of each House.

SEC. 12. Each House shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Each House shall keep and publish a journal.

SEC. 13. The sessions of each House and of Committees of the Whole shall be open, unless when the business is such as ought to be kept secret.

Sessions to be open.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Adjournments.

SEC. 15. The members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Privileges of members.

SEC. 16. The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled

Senatorial districts.

to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Representative
districts.

SEC. 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Apportionments.

SEC. 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

ARTICLE III.

Legislation.

Passage of bills.

SECTION 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

Reference and
Printing.

SEC. 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

To contain but
one subject ex-
pressed in title.

SEC. 3. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

SEC. 4. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

To be read in three days.

Amendments to be printed.

Yeas and Nays.

SEC. 5. No amendment to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Votes concurring in amendments and on reports of conference to be by yeas and nays.

SEC. 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Revival of laws.

SEC. 7. The General Assembly shall not pass any local or special law authorizing the creation, extension or impairing of liens; regulating the affairs of counties, cities, townships, wards, boroughs or school districts; changing the names of persons or places; changing the venue in civil or criminal cases; authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town plats, streets or alleys; relating to cemeteries, graveyards, or public grounds not of the State; authorizing the adoption or legitimation of children; locating or changing county seats; erecting new counties or changing county lines; incorporating cities, towns or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the place of voting; granting divorces; erecting new townships or boroughs; changing township lines, borough limits or school districts; creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts; changing the law of descent or succession; regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments,

Limitation on special legislation, &c.

or prescribing the effect of judicial sales of real estate; regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables; regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes; fixing the rate of interest; affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment; remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury; exempting property from taxation; regulating labor, trade, mining or manufacturing; creating corporations, or amending, renewing or extending the charters thereof; granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track; nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed; nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Notice of local or special bills.

SEC. 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.

Signing of bills by presiding officers.

SEC. 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

Legislative officers.

SEC. 10. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employees of each House, and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employee elected or appointed in pursuance of law.

No extra compensation to officers or contractors.

SEC. 11. No bill shall be passed giving any extra compensation to any public officer, servant, employee, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

Public Printing.

SEC. 12. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing

of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

SEC. 13. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

No extension of official terms or increase of compensation.

SEC. 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

Revenue bills.

SEC. 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Appropriation bills.

SEC. 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Payments of moneys from the treasury.

SEC. 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

Appropriations to charitable institutions.

SEC. 18. No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation or association.

Appropriations for charitable purposes, etc limited.

SEC. 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

Appropriations may be made for widows and orphans of soldiers.

SEC. 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Power over municipal administration not to be delegated.

SEC. 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for

No limitation of damages for certain injuries.

injuries to persons or property; and, in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

Nor of time for bringing suits.

SEC. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided saving investments heretofore made.

Investment of trust funds.

SEC. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Changes of venue.

SEC. 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

No obligation of corporations to the State to be released, etc.

SEC. 25. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Limitations of Legislative power at special sessions.

SEC. 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

Concurrent orders, resolutions and votes to be presented to the Governor.

SEC. 27. No State office shall be continued or created for the inspection or measuring of any merchandize, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

No State Inspectors of merchandise.

SEC. 28. No law changing the location of the Capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election and ratified and approved by them.

Changing location of State Capital.

SEC. 29. A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official

Bribery by members of General Assembly.

action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law.

SEC. 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

Bribery of members of General Assembly and officers.

SEC. 31. The offence of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment.

The offence of corrupt solicitation to be punished by fine and imprisonment.

SEC. 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offence of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offences aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.

Witnesses to testify in cases of bribery and solicitation.

Punishment.

SEC. 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

Interested members shall not vote.

ARTICLE IV.

The Executive.

SECTION 1. The executive department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.

Executive Officers.

- The Governor.** SEC. 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.
- His election.**
- Returns of election.**
- Contested Elections.**
- Term of the Governor.** SEC. 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.
- The Lieutenant Governor.** SEC. 4. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate, but shall have no vote unless they be equally divided.
- Qualifications of Governor and Lieutenant Governor.** SEC. 5. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.
- Congressmen. &c. disqualified.** SEC. 6. No member of Congress or person holding any office under the United States or this State shall exercise the office of Governor or Lieutenant Governor.
- Governor to command militia.** SEC. 7. The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.
- Power of Governor to appoint with consent of Senate.** SEC. 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session: he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Trea-
- To fill vacancies.**

surer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill ; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy ; but in any such case of vacancy, in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case the election for said office shall be held at the second succeeding general election. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

Senate to act
on nominations
with open
doors.

Votes to be re-
corded.

SEC. 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment ; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session ; and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

Pardoning power

SEC. 10. He may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Governor may
require infor-
mation from
Executive Offi-
cers.

SEC. 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

Shall give infor-
mation and re-
commend mea-
sures to Gen-
eral Assembly

SEC. 12. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

May convene
General Assem-
bly, and adjourn
the two Houses
when they dis-
agree.

SEC. 13. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

Lieutenant Gov-
ernor to act as
Governor.

SEC. 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until

President pro
tempore of the
Senate.

the disability be removed, shall devolve upon the President *pro tempore* of the Senate; and the President *pro tempore* of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

Approval of Bills.
Veto.

SEC. 15. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to re-consider it. If, after such re-consideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which likewise it shall be re-considered; and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House, respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

Retained bills to become laws.

Exception.

A partial veto allowed on appropriation bills.

SEC. 16. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Chief Justice to preside on trial of contested election of Governor or Lieutenant Governor.

SEC. 17. The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor or Lieutenant Governor and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Secretary of Commonwealth.

SEC. 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

SEC. 19. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

Secretary of Internal affairs.

SEC. 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

Superintendent of Public Instruction.

SEC. 21. The term of the Secretary of Internal Affairs shall be four years; of the Auditor General three years; and of the State Treasurer two years. These officers shall be chosen by the qualified electors of the State at general elections. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms.

Terms of Heads of Departments

SEC. 22. The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal and signed by the Governor.

Seal of State. Commissions to be signed and sealed.

ARTICLE V.

The Judiciary.

SECTION 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of Common Pleas, courts of Oyer and Terminer and General Jail Delivery, courts of Quarter Sessions of the Peace, Orphans' Courts, Magistrates' Courts, and in such other courts as the General Assembly may from time to time establish.

The Courts.

SEC. 2. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

The Supreme Court. Tenure of Judges. Chief Justice.

SEC. 3. The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of Oyer and Terminer and General Jail Delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of *habeas corpus*, of *mandamus* to

Jurisdiction of Supreme Court.

courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, *certiorari* or writ of error in all cases, as is now or may hereafter be provided by law.

Courts of Common Pleas. Districts not to contain more than four counties.

SEC. 4. Until otherwise directed by law, the courts of Common Pleas shall continue as at present established, except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

Judicial districts.

SEC. 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

Office of Associate Judge abolished.

Common Pleas courts in Philadelphia and Allegheny.

SEC. 6. In the counties of Philadelphia and Allegheny all the jurisdiction and powers now vested in the District courts and courts of Common Pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in four, and in Allegheny in two, distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the court of Common Pleas number one, number two, number three and number four, and in Allegheny as the court of Common Pleas number one and number two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of Common Pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny each court shall

Increase of Judges in Common Pleas courts.

have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue as may be provided by law.

SEC. 7. For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

Prothonotarys in Philadelphia.

SEC. 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more of their judges to hold the courts of Oyer and Terminer and the courts of Quarter Sessions of the Peace of said counties, in such manner as may be directed by law.

Separate dockets for courts; but one judgment and lien docket.

Criminal courts in Philadelphia and Allegheny.

SEC. 9. Judges of the courts of Common Pleas learned in the law shall be judges of the courts of Oyer and Terminer, Quarter Sessions of the Peace and General Jail Delivery, and of the Orphans' Court, and within their respective districts shall be Justices of the Peace as to criminal matters.

Jurisdiction of Common Pleas Judges.

SEC. 10. The judges of the courts of Common Pleas, within their respective counties, shall have power to issue writs of *certiorari* to justices of the Peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

May issue writs of *certiorari* to inferior courts.

SEC. 11. Except as otherwise provided in this Constitution, justices of the peace or alderman shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables, by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

Justices of the Peace and Aldermen.

SEC. 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be five years, and they shall be

Magistrates in Philadelphia.

elected on general ticket by the qualified voters at large; and in the election of the said magistrates, no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

SEC. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

Appeals from
summary con-
viction.

SEC. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Election and
term of Judges.

Removal.

SEC. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Election of Judges of Supreme Court by limited vote.

SEC. 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Priority of Com-
missions of
Judges.

SEC. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of Common Pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

Compensation of
Judges.

SEC. 18. The judges of the Supreme Court and the judges of the several courts of Common Pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other State.

Disqualification.

Residence of
Judges.

SEC. 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected.

SEC. 20. The several courts of Common Pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of Common Pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

Chancery powers
of Courts of
Common Pleas.

SEC. 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of *Nisi Prius* is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the Supreme Court shall be established.

No extra judicial
duties for Judges.

SEC. 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate Orphans' Court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the Orphans' courts, and thereupon the jurisdiction of the judges of the court of Common Pleas within such county, in Orphans' Court proceedings, shall cease and determine. In any county in which a separate Orphans' Court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate Orphans' Court, shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county Orphans' courts shall possess all the powers and jurisdiction of a Registers' Court, and separate Registers' courts are hereby abolished.

Separate Or-
phans' Court.

Register of Wills
to be clerk
thereof.

Accounts therein
to be audited by
courts.

SEC. 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Style of process
and indictment.

SEC. 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused after conviction and sentence, may remove the indictment, record and all proceedings to the Supreme Court for review.

Review in Su-
preme Court in
criminal cases.

SEC. 25. Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

Vacancies in
courts—how
filled.

Uniform laws for
courts, &c.

SEC. 26. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of Common Pleas and Orphans' courts.

Special courts
prohibited.

Parties may sub-
mit issues of fact
to the court.

SEC. 27. The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

Appeals.

ARTICLE VI.

Impeachment and Removal from Office.

Impeachment.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

How tried.

SEC. 2. All impeachments shall be tried by the Senate; when sitting for that purpose the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

What officers im-
peachable.

Judgment.

SEC. 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted, or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Condition of offi-
cial tenure.

Removal.

SEC. 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Governor, members of the General Assembly, and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII.

Oath of Office.

SECTION 1. Senators and Representatives and all judicial, State and county officers shall, before entering on the duties

of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, (or appointment,) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

General oath of
office.

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of state officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives, shall be administered by one of the judges of the Supreme Court or of a court of Common Pleas learned in the law, in the hall of the House to which the members shall be elected.

ARTICLE VIII.

Suffrage and Elections.

SECTION 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections: *First.*—He shall have been a citizen of the United States at least one month. *Second.*—He shall have resided in the State one year, (or if, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months,) immediately preceding the election. *Third.*—He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election. *Fourth.*—If twenty-two years of age or upwards, he shall have paid within two years a state or county tax, which shall have been assessed at least two months and paid at least one month before the election.

Qualifications of
voters.

General elec-
tions.

SEC. 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto.

Municipal elec-
tions.

SEC. 3. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.

Elections to be
by ballot and
ballots num-
bered.

SEC. 4. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket, or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

Endorsements
thereon author-
ized.

SEC. 5. Electors shall in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning therefrom.

Electors privi-
leged from ar-
rest.

Soldier voting.

SEC. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

Election laws to
be uniform, but
unregistered
electors may
vote.

SEC. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

Corruption to
disqualify vo-
ters.

SEC. 8. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Challenge.

Candidates guilty
of bribery, &c.,
disqualified for
holding office.

SEC. 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an

office of trust or profit in this Commonwealth: and any person convicted of willful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Willful violation of election laws to disqualify for voting.

SEC. 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

Witnesses not to withhold testimony in election cases.

SEC. 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of Quarter Sessions of the city or county in which the same are located may direct: but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of Quarter Sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

Election districts.

SEC. 12. All elections by persons in a representative capacity shall be *viva voce*.

Representatives to vote *viva voce*.

SEC. 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor house or other asylum at public expense, nor while confined in public prison.

Residence of voters not gained or lost in certain cases.

SEC. 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

Election boards.

Clerks.

Vacancies.

Privileges of election officers.

SEC. 15. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held any office, appointment or employment in or under the government of the United States or of this State, or of

Government officers and employees disqualified to serve as election officers.

any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Ineligibility of election officers.

Courts of Common Pleas may appoint overseers of elections.

SEC. 16. The courts of Common Pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

Overseers may decide questions of difference.

Trial of contested elections.

SEC. 17. The trial and determination of contested elections of electors of President and Vice-President, members of the General Assembly, and of all public officers, whether State, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX.

Taxation and Finance.

Taxes to be uniform.

Exemptions.

SECTION 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.

Limitation of power to exempt.

SEC. 2. All laws exempting property from taxation, other than the property above enumerated, shall be void.

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

Power to tax corporations not to be surrendered.

SEC. 4. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

Power to make debts.

SEC. 5. All laws, authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

Moneys borrowed to be used for purpose specified.

SEC. 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint owner or stockholder in any company, association or corporation.

State credit not to be loaned, &c.

SEC. 7. The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

Municipalities not to become stockholders, &c.

SEC. 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law: but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

Municipal debts limited.

SEC. 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

No assumption of municipal debts by the State.

SEC. 10. Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

Re-payment of municipal debt to be provided for.

SEC. 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid,

Sinking fund.

the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

SEC. 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this State.

Reserve in the treasury.

SEC. 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

Reserve not to be converted to private use.

SEC. 14. The making of profit out of the public moneys or using the same for any purpose not authorized by law by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

ARTICLE X.

Education.

Public schools to be maintained. Amount appropriated.

SECTION 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

No appropriation to sectarian schools.

SEC. 2. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

Women eligible to school offices.

SEC. 3. Women twenty-one years of age and upwards, shall be eligible to any office of control or management under the school laws of this State.

ARTICLE XI.

Militia.

SECTION 1. The freemen of this Commonwealth shall be armed, organized and disciplined for its defence when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia by appropriations from the Treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

Organization of Militia.

Exemption authorized.

ARTICLE XII.

Public Officers.

SECTION 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law.

Selection of public officers.

SEC. 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

Federal officers disqualified for State office.

SEC. 3. Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

Duelling disqualification for office

ARTICLE XIII.

New Counties.

SECTION 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

Limitation of power to create counties.

ARTICLE XIV.

County Officers.

SECTION 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

County officers.

SEC. 2. County officers shall be elected at the general elections and shall hold their offices for the term of three

Election and tenure.

- years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for shall be filled in such manner as may be provided by law.
- Vacancies.** SEC. 3. No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.
- Residence of county officers.** SEC. 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.
- Offices to be kept in county town.** SEC. 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.
- Compensation.** SEC. 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.
- Accountability of municipal officers.** SEC. 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five and every third year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of Common Pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.
- County Commissioners and Auditors to be chosen by limited vote.**
- Vacancies—how filled.**

ARTICLE XV.

Cities and City Charters.

General laws to establish cities.

SECTION 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

SEC. 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government. Municipal commissions not to incur debts except on appropriations.

SEC. 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt. Sinking funds in cities.

ARTICLE XVI.

Private Corporations.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity. Unused charters to be void.

SEC. 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution. No charter to be validated or amended except on condition.

SEC. 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State. Right of eminent domain not to be abridged or police power to be limited.

SEC. 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer. The free vote in stockholder elections.

SEC. 5. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served. Foreign corporations to have places of business in State.

SEC. 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business. Corporations not to engage in business unauthorized by their charters.

SEC. 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days notice given in pursuance of law. The fictitious increase of stocks or bonds forbidden.

The taking and injury of private property to be compensated.

SEC. 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by a jury according to the course of the common law.

Appeals from assessment of damages.

Bank notes or bills to be secured.

SEC. 9. Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

Repeal of charters authorized.

SEC. 10. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

No law to create, &c., more than one charter.

Notice of bills to create banks.

SEC. 11. No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Bank charters limited to 20 years.

SEC. 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

The word "corporation" defined.

SEC. 13. The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII.

Railroads and Canals.

SECTION 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars loaded or empty, without delay or discrimination.

Railroads and canals, public highways. May be constructed.

Shall have connections and use of connecting roads.

SEC. 2. Every railroad and canal corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

Railroad and canal companies to keep offices in the State.

SEC. 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the State, or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

Discriminations in charges for freight and passengers prohibited.

SEC. 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Consolidation with competing companies prohibited.

Officers of companies not to be officers of competing companies.

SEC. 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transporta-

Common carrier corporations not to engage in mining, manufacturing, &c.

Exception.

Officers, &c., of companies not to engage in transportation business.

No discrimination in charges to transporters.

Free passes on railroads prohibited.

Passenger railroads not to be constructed without consent of municipal authorities.

Acceptance of this article by companies.

Duties of Auditor General as to companies transferred to Secretary of Internal Affairs.

tion over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

SEC. 6. No president, director, officer, agent or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

SEC. 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employee thereof, shall make any preferences in furnishing cars or motive power.

SEC. 8. No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employees of the company.

SEC. 9. No street passenger railway shall be constructed within the limits of any city, borough or township, without the consent of its local authorities.

SEC. 10. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

SEC. 11. The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

SEC. 12. The General Assembly shall enforce by appropriate legislation the provisions of this article.

ARTICLE XVIII.

Future Amendments.

Amendments may be proposed by Legislature.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amend

ment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published, three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

Amendments not
to be submitted
oftener than
once in five
years.

SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared, that:

SECTION 1. This Constitution shall take effect on the first day of January, in the year one thousand eight hundred and seventy-four, for all purposes not otherwise provided for therein.

SEC. 2. All laws in force in this Commonwealth at the time of the adoption of this Constitution not inconsistent therewith, and all rights, actions, prosecutions and contracts shall continue as if this Constitution had not been adopted.

SEC. 3. At the general election in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, Senators shall be elected in all districts where there shall be vacancies. Those elected in the year one thousand eight hundred and seventy-four shall serve for two years, and those elected in the year one thousand eight hundred and seventy-five shall serve for one year. Senators now elected and those whose terms are unexpired shall represent the districts in which they reside until the end of the terms for which they were elected.

SEC. 4. At the general election in the year one thousand eight hundred and seventy-six, Senators shall be elected from even numbered districts to serve for two years, and from odd numbered districts to serve for four years.

SEC. 5. The first election of Governor under this Constitution shall be at the general election in the year one thousand eight hundred and seventy-five, when a Governor shall be elected for three years; and the term of the Governor elected in the year one thousand eight hundred and seventy-eight and of those thereafter elected shall be for four years, according to the provisions of this Constitution.

SEC. 6. At the general election in the year one thousand eight hundred and seventy-four, a Lieutenant Governor shall be elected according to the provisions of this Constitution.

SEC. 7. The Secretary of Internal Affairs shall be elected at the first general election after the adoption of this Constitution; and, when the said officer shall be duly elected and qualified, the office of Surveyor General shall be abolished. The Surveyor General in office at the time of the adoption of this Constitution shall continue in office until the expiration of the term for which he was elected.

SEC. 8. When the Superintendent of Public Instruction shall be duly qualified the office of Superintendent of Common Schools shall cease.

SEC. 9. Nothing contained in this Constitution shall be construed to render any person now holding any State office for a first official term ineligible for re-election at the end of such term.

SEC. 10. The judges of the Supreme Court in office when this Constitution shall take effect, shall continue until their commissions severally expire. Two judges in addition to the number now composing the said court shall be elected at the first general election after the adoption of this Constitution.

SEC. 11. All courts of record and all existing courts which are not specified in this Constitution, shall continue in existence until the first day of December, in the year one thousand eight hundred and seventy-five, without abridgment of their present jurisdiction, but no longer. The Court of First Criminal Jurisdiction for the counties of Schuylkill, Lebanon and Dauphin, is hereby abolished, and all causes and proceedings pending therein in the county of Schuylkill shall be tried and disposed of in the courts of Oyer and Terminer and Quarter Sessions of the Peace of said county.

SEC. 12. The Register's courts now in existence shall be abolished on the first day of January next succeeding the adoption of this Constitution.

SEC. 13. The General Assembly shall, at the next session after the adoption of this Constitution, designate the several judicial districts as required by this Constitution. The judges in commission when such designation shall be made shall continue during their unexpired terms judges of the new districts in which they reside; but, when there shall be two judges residing in the same district, the President Judge shall elect to which district he shall be assigned, and the additional law judge shall be assigned to the other district.

SEC. 14. The General Assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several judicial districts, as required by this Constitution.

SEC. 15. Judges learned in the law of any court of record, holding commissions in force at the adoption of this Constitution, shall hold their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the President Judge of the Court of First Criminal Jurisdiction for the counties of Schuylkill, Lebanon and Dauphin as a judge of the Court of Common Pleas of Schuylkill county, for the unexpired term of his office.

SEC. 16. After the expiration of the term of any President Judge of any court of Common Pleas, in commission at the adoption of this Constitution, the judge of such court learned in the law and oldest in commission shall be the President Judge thereof; and when two or more judges are elected at the same time in any judicial district, they shall decide by lot which shall be President Judge; but when the President Judge of a court shall be re-elected he shall continue to be President Judge of that court. Associate judges not learned in the law, elected after the adoption of this Constitution, shall be commissioned to hold their offices for the term of five years from the first day of January next after their election.

SEC. 17. The General Assembly, at the first session after the adoption of this Constitution, shall fix and determine the compensation of the judges of the Supreme Court and of the judges of the several judi-

cial districts of the Commonwealth; and the provisions of the thirteenth section of the article on Legislation shall not be deemed inconsistent herewith. Nothing contained in this Constitution shall be held to reduce the compensation now paid to any law judge of this Commonwealth now in commission.

SEC. 18. The courts of Common Pleas in the counties of Philadelphia and Allegheny, shall be composed of the present judges of the District Court and Court of Common Pleas of said counties until their offices shall severally end, and of such other judges as may from time to time be selected. For the purpose of first organization in Philadelphia, the judges of the court number one, shall be Judges Allison, Pierce and Paxson; of the court number two, Judges Hare, Mitchell and one other judge, to be elected; of the court number three, Judges Ludlow, Finletter and Lynd; and of the court number four, Judges Thayer, Briggs and one other judge, to be elected. The judge first named shall be the President Judge of said courts respectively, and thereafter the President Judge shall be the judge oldest in commission; but any President Judge re-elected in the same court or district shall continue to be President Judge thereof. The additional judges for courts numbers two and four, shall be voted for and elected at the first general election after the adoption of this Constitution, in the same manner as the two additional Judges of the Supreme Court, and they shall decide by lot to which court they shall belong. Their term of office shall commence on the first Monday of January, in the year one thousand eight hundred and seventy-five.

SEC. 19. In the county of Allegheny, for the purpose of first organization under this Constitution, the judges of the court of Common Pleas, at the time of the adoption of this Constitution, shall be the judges of the court number one, and the judges of the District Court, at the same date, shall be the judges of the Common Pleas number two. The President Judges of the Common Pleas and District Court shall be President Judge of said courts number one and two, respectively, until their offices shall end; and thereafter the judge oldest in commission shall be President Judge; but any President Judge re-elected in the same court or district shall continue to be President Judge thereof.

SEC. 20. The organization of the courts of Common Pleas under this Constitution for the counties of Philadelphia and Allegheny shall take effect on the first Monday of January, one thousand eight hundred and seventy-five, and existing courts in said counties shall continue with their present powers and jurisdiction until that date, but no new suits shall be instituted in the courts of *Nisi Prius* after the adoption of this Constitution.

SEC. 21. The causes and proceedings pending in the court of *Nisi Prius*, court of Common Pleas, and District Court in Philadelphia shall be tried and disposed of in the court of Common Pleas. The records and dockets of said courts shall be transferred to the prothonotary's office of said county.

SEC. 22. The causes and proceedings pending in the court of Common Pleas in the county of Allegheny shall be tried and disposed of in

the court number one; and the causes and proceedings pending in the District Court shall be tried and disposed of in the court number two.

SEC. 23. The Prothonotary of the court of Common Pleas of Philadelphia shall be first appointed by the judges of said court on the first Monday of December, in the year one thousand eight hundred and seventy-five, and the present Prothonotary of the District Court in said county shall be the Prothonotary of the said court of Common Pleas until said date when his commission shall expire, and the present Clerk of the court of Oyer and Terminer and Quarter Sessions of the Peace in Philadelphia shall be the clerk of such court until the expiration of his present commission on the first Monday of December, in the year one thousand eight hundred and seventy-five.

SEC. 24. In cities containing over fifty thousand inhabitants, except Philadelphia, all aldermen in office at the time of the adoption of this Constitution shall continue in office until the expiration of their commissions; and at the election for city and ward officers in the year one thousand eight hundred and seventy-five, one alderman shall be elected in each ward as provided in this Constitution.

SEC. 25. In Philadelphia magistrates, in lieu of aldermen, shall be chosen, as required in this Constitution, at the election in said city for city and ward officers in the year one thousand eight hundred and seventy-five; their term of office shall commence on the first Monday of April succeeding their election. The terms of office of aldermen in said city holding, or entitled to, commissions at the time of the adoption of this Constitution shall not be affected thereby.

SEC. 26. All persons in office in this Commonwealth at the time of the adoption of this Constitution, and at the first election under it, shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

SEC. 27. The seventh article of this Constitution prescribing an oath of office shall take effect on and after the first day of January, one thousand eight hundred and seventy-five.

SEC. 28. The terms of office of County Commissioners and County Auditors, chosen prior to the year one thousand eight hundred and seventy-five, which shall not have expired before the first Monday of January in the year one thousand eight hundred and seventy-six, shall expire on that day.

SEC. 29. All state, county, city, ward, borough and township officers in office at the time of the adoption of this Constitution, whose compensation is not provided for by salaries alone, shall continue to receive the compensation allowed them by law until the expiration of their respective terms of office.

SEC. 30. All state and judicial officers heretofore elected, sworn, affirmed, or in office when this Constitution shall take effect, shall severally, within one month after such adoption, take and subscribe an oath or affirmation to support this Constitution.

SEC. 31. The General Assembly at its first session, or as soon as may be, after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

SEC. 32. The ordinance passed by this Convention entitled "An Ordinance for submitting the amended Constitution of Pennsylvania to a vote of the electors thereof" shall be held to be valid for all the purposes thereof.

SEC. 33. The words "County Commissioners," wherever used in this Constitution and in any ordinance accompanying the same, shall be held to include the Commissioners for the city of Philadelphia.

Adopted at Philadelphia, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-three.

Attest:

D. L. IMBRIE,

Chief Clerk.

JOHN H. WALKER,

President.

GEO. A. ACHENBACH.
JOHN E. ADDICKS.
WM. H. AINEY.
HAMILTON ALRICKS.
G. W. ANDREWS.
WM. H. ARMSTRONG.
WM. J. BAER.
JOSEPH BAILY.
JNO. M. BAILEY.
WILLIAM D. BAKER.
THOS. R. BANNAN.
GEO. G. BARCLAY.
JOHN BARDSLEY.
JAMES P. BARR.
LINN BARTHOLOMEW.
M. C. BEEBE.
GEORGE W. BIDDLE.
WM. BIGLER.
C. A. BLACK.
CHAS. O. BOWMAN.
CHAS. BRODHEAD.
J. M. BROOMALL.
R. BROWN.
C. R. BUCKALEW.
JOHN C. BULLITT.
SAMUEL CALVIN.
JOHN H. CAMPBELL.
HENRY C. CAREY.
HENRY CARTER.
LEWIS C. CASSIDY.
PEARSON CHURCH.
SILAS M. CLARK.
THOS. E. COCHRAN.
JOHN COLLINS.
WM. L. CORBETT.
GEORGE N. CORSON.
DAVID CRAIG.
JNO. P. CRONMILLER.
JAS. W. CURRY.
A. G. CURTIN.
THEO. CUYLER.
GEO. M. DALLAS.
WM. DARLINGTON.

WM. DAVIS.
R. M. DeFRANCE.
S. C. T. DODD.
A. B. DUNNING.
MATTHEW EDWARDS.
M. F. ELLIOTT.
JAS. ELLIS.
THOS. EWING.
J. GILLINGHAM FELL.
A. C. FINNEY.
A. M. FULTON.
JOSIAH FUNCK.
JOHN GIBSON.
JOHN GILPIN.
H. GREEN.
J. B. GUTHRIE.
JNO. G. HALL.
WILLIAM G. HANNA.
EDWARD HARVEY.
MALCOLM HAY.
T. R. HAZZARD.
JOS. HEMPHILL.
JAMES H. HEVERIN.
GEO. F. HORTON.
THOS. HOWARD.
CHAS. HUNSICKER.
D. KAINE.
E. C. KNIGHT.
R. A. LAMBERTON.
AUG. S. LANDIS.
GEO. V. LAWRENCE.
WM. LILLY.
W. E. LITTLETON.
ZACH. H. LONG.
THOS. MacCONNELL.
WAYNE MacVEAGH.
JOEL B. McAMANT.
WM. McCLEAN.
JNO. McCULLOCH.
MORTON McMICHAEL.
JOHN McMURRAY.
JOHN S. MANN.
FRANK MANTOR.

JNO. G. METZGER.
SAMUEL MINOR.
L. Z. MITCHELL.
HENRY S. MOTT.
JAMES W. M. NEWLIN.
JEROME B. NILES.
G. W. PALMER.
HENRY W. PALMER.
H. C. PARSONS.
D. W. PATTERSON.
T. H. BAIRD PATTERSON.
JOS. G. PATTON.
DAVID S. PORTER.
LEWIS PUGHE.
ANDREW A. PURMAN.
JOHN N. PURVIANOE.
SAML. A. PURVIANOE.
JOHN R. READ.
AND. REED.
LEVI ROOKE.
GEO. ROSS.
C. M. RUNK.
SAML. L. RUSSELL.
J. M' DOWELL SHARPE.
J. ALEX. SIMPSON.
H. G. SMITH.
H. W. SMITH.
W. H. SMITH.
M. HALL STANTON.
JOHN STEWART.
THOMAS STRUTHERS.
BENJAMIN L. TEMPLE.
WM. J. TURRELL.
HENRY VAN REED.
J. M. WETHERILL.
J. PRICE WETHERILL.
SAML. M. WHERRY.
DAVID N. WHITE.
HARRY WHITE.
J. W. F. WHITE.
GEO. W. WOODWARD.
EDWARD R. WORRELL.
CALEB E. WRIGHT.

A STATEMENT AND EXPOSITION

OF THE

CHANGES CONTAINED IN THE NEW CONSTITUTION OF PENNSYLVANIA.

The preamble is made to express the gratitude of the people of the Commonwealth to Almighty God for the blessings of civil and religious liberty, and is followed by the several articles in their proper order, all the material changes in which are the following:

I. THE DECLARATION OF RIGHTS.

The corresponding article in the old constitution is but slightly changed, and is made to take its proper place as the first article of the new constitution.

In the seventh section, the provisions securing the freedom of the press are extended by the insertion of a new clause to the effect that in prosecutions for the publication of papers relating to the official conduct of officers or men in public capacity, or to other matters proper for public investigation or information, there shall be no conviction "when the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury." This provision excludes the legal inference of malice from the mere fact of publication or from the inaccuracy of the matter published, and leaves the question of conviction to depend upon the actual malice or negligence of the author or publisher of an alleged libel. It will simply permit the jury to render a verdict upon the real merits of the case. The provision is confined to criminal prosecutions, and does not modify the existing laws relating to civil remedies in actions of libel and slander.

II. THE LEGISLATURE.

The principal changes in this article are the following:

Members of the Senate are to be elected for four years instead of three, and of the House for two years instead of one. The regular sessions of the Legislature are to be biennial instead of annual, and no

adjourned annual sessions are permitted after the year 1878, but the Governor may convene the two houses upon extraordinary occasions, and the Senate alone, when a meeting of that body shall be necessary for the transaction of executive business. The Governor is further required to convene the two houses upon proclamation to fill any vacancy in the office of United States Senator from this State. It is further provided that, whenever the Legislature shall be convened by the Governor, the sessions shall be confined to the transaction of business expressly mentioned in the Executive proclamation. No Senator or Representative shall be appointed to any civil office during his term of service, and persons convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime, shall not be eligible to the Legislature or capable of holding any public office. The compensation of members shall be fixed by law, and shall not be increased during any official term. The Senate is empowered to choose a presiding officer, who shall perform the duties of Lieutenant Governor when necessary. The powers of each house are more definitely expressed, and their sessions more completely guarded against improper influence than by the old constitution. By the sixteenth and seventeenth sections, the numbers of each house are increased and the apportionment of membership by districts determined and regulated. The Senate is to consist of fifty members, instead of thirty-three, to be chosen from single districts, one-half thereof every second year. The provision in the old constitution forbidding the division of counties is retained, except as to those which shall be entitled to two or more Senators; and the former limitation that no city or county shall elect more than four Senators is changed to a provision that no county shall elect more than one-sixth of the whole number. In counties divisible into Senatorial districts, the districts are to be made equal, and no ward, borough, or township is to be divided in their formation. A full Senatorial ratio will entitle a county to separate representation, but the Legislature may assign a Senator to a county with four-fifths of a ratio, and a special provision is made to meet the case of a county containing more than one-half and less than four-fifths of a ratio which shall be wholly surrounded by counties entitled of right to separate representation.

For the House of Representatives, the population of the State is to be divided by 200, to establish a representative ratio, and each county is to have at least one representative, and as many additional representatives as it shall have ratios. Counties with less than five ratios will have an additional member for any surplus fraction exceeding one-half a ratio. The separate representation of cities containing one or more ratios is provided for, and such cities and counties containing more than 100,000 inhabitants are to be divided into Representative districts, but no district so formed shall elect more than four Representatives. These provisions in regard to the constitution of the Senate and House are wholly new and are radical changes in the application of the representative principle.

The additional change in this article is that apportionments are to be made by the Legislature at the session of 1874, and immediately

after each decennial census of the United States, and are to be based in each case upon such census, and not as heretofore upon a septennial enumeration of taxables. In brief, the important changes in the legislative article are biennial elections and biennial sessions of the Legislature, an increase of membership in both houses, a mixed system of county and district representation with decennial apportionments, and the presidency of the Lieutenant Governor in the Senate.

III. LEGISLATION.

The article upon legislation is mostly new, and is elaborate in its provisions. It contains a large body of limitations upon the Legislature and regulations for its action, the enumeration of all which would be inconvenient in this place; but they are of high importance, and will doubtless produce a decided effect upon the character of future legislation in this Commonwealth. Special and local legislation are largely prohibited, and minute and searching provisions are established for the passage and approval of bills. Of the thirty-three sections of this article, fully three-fourths contain new matter, and are well calculated to elevate the character and secure the perfection of future laws.

IV. THE EXECUTIVE.

The conspicuous changes made by the twenty-three sections of the Executive article are the following:

1. An increase of the Governor's term from three to four years, to correspond with the change made in legislative terms and sessions.
2. The creation of the office of Lieutenant Governor.
3. The substitution of a Secretary of Internal Affairs and a Superintendent of Public Instruction for the Surveyor General and Superintendent of Common Schools.
4. That the Governor, Lieutenant Governor and Auditor General shall not be eligible for a second term.
5. A stringent limitation upon the pardoning power.
6. A requirement that the vote in each house to pass a bill over the Governor's veto shall be two-thirds of all the members elected to each house, instead of two-thirds of those present.
7. That the Governor may veto particular items in appropriation bills and approve others.

Lastly, that the Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor or Lieutenant Governor.

Attention should be particularly directed to two of these changes, to wit: the creation of the office of Lieutenant Governor and the limitation of the pardoning power. By the first of these a majority decision will always be secured in the Senate by a casting vote when the Senate shall be equally divided, and the prompt organization of the Senate at the commencement of sessions will always be secured. By it, also, the office of Governor will be fitly filled in case of a casual vacancy, and a high officer, chosen by popular election, will be provided for the consideration of applications for pardon.

The other provision referred to, requiring the recommendation of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, given after public notice and full hearing of the case, to authorize the Governor to pardon any criminal offence, will introduce a most substantial and much needed reform in the practice of the government.

Briefly, the changes made by the Executive article would seem to be judicious, and altogether fit for popular acceptance.

V. THE JUDICIARY.

This article does not contain many radical changes. Two judges are added to the bench of the Supreme Court, who will be chosen at the general election in 1874, and they and all judges subsequently elected will hold for twenty-one year terms, and will not be re-electable. Whenever two or three judges are to be elected at the same time to that court, they are to be divided between political parties by virtue of the manner of voting provided for in the sixteenth section. The *Nisi Prius* jurisdiction of the Supreme Court is abolished, and no duties not judicial are to be imposed upon any of the judges of said court.

These several provisions were intended to secure a full representation of the people in the Supreme Court, to strengthen and increase the usefulness of that court, and to separate its judges from the performance of duties not appropriate to their office.

Special provisions for consolidating the District and Common Pleas Courts of Philadelphia and Alleghany, though possessing little interest in other parts of the State, are of much local importance. All judges will be of the same class and possess the same jurisdiction hereafter in both those populous divisions of the State. They will in turn hold the criminal courts in their respective counties, will be enabled to distribute conveniently the judicial business which they are to transact, and execute their duties with greater efficiency and success.

Other local provisions limiting the number of aldermen in cities, abolishing the office of alderman in Philadelphia and substituting magistrates' courts, the appointment of prothonotary by all the Philadelphia judges, and the provision for separate orphans' courts in counties containing more than 150,000 inhabitants, are notable changes for the more perfect administration of justice in the localities to which they refer. In all counties, registers' courts are abolished and their jurisdiction conferred upon the orphans' courts.

Uniformity of legislation with reference to courts is enjoined, and voluntary waiver of jury trial by parties authorized.

Lastly, counties containing less than 40,000 inhabitants each, are to be formed into judicial districts, while those containing a greater population shall be made separate districts, in which the office of associate judge shall be abolished, saving the commissions of associate judges now in office. No commission of any law judge is disturbed, and the existing provision that no judicial salary shall be decreased during a judicial term is preserved, with the addition that it shall not be increased during such term.

VI. IMPEACHMENT AND REMOVAL FROM OFFICE.

This article, after retaining the provisions of the old constitution that all civil officers may be removed upon impeachment, and that all officers shall hold their offices on condition of good behavior during their terms of service, adds the following new provisions:

That all appointed officers, other than judges and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall be appointed; and that officers elected by the people, except Governor, Lieutenant Governor, and law judges, shall be removed for reasonable cause on the address of two-thirds of the Senate, after due notice and full hearing.

VII. OATH OF OFFICE.

In place of the brief general oath to support the constitution and perform official duty with fidelity, prescribed by the old constitution, a searching oath of office is provided to be administered to all Senators, Representatives, and State and county officers. They will be sworn or affirmed to support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth; that no money has been paid by them to secure their nomination, election, or appointment, save necessary expenses to be authorized by law; that they have knowingly violated no election law, and that they will not receive any money or valuable thing for the performance or non-performance of official duty other than lawful compensation.

Provision is made for preserving the oath, and false swearing is punishable as perjury, with disqualification for holding any office in this Commonwealth.

VIII. SUFFRAGE AND ELECTIONS.

This article is of high importance. The changes made in it are the following:

First. as to the qualifications for voting. The word "white" is dropped from its former position in the constitution, and the right to vote is extended to every male citizen, twenty-one years of age, who shall possess the following qualifications, to wit: United States citizenship for one month, residence in the election district for two months instead of ten days, and, as in the old constitution, residence in the State for one year, &c., and payment of a State or county tax, which latter must, however, have been assessed two months, and paid one month, before an election.

Second. General elections are fixed on the Tuesday next following the first Monday of November, to correspond with the date of Presidential and Congressional elections, and municipal elections on the third Tuesday in February.

Third. New securities against fraudulent voting are provided by the fourth section. Ballots are to be numbered by election officers, and permission is given to voters to place their names upon their tickets, so that the vote can be followed upon any judicial investigation and its integrity vindicated or falsity exposed. Very properly, how-

ever, election officers will be sworn or affirmed not to divulge how any elector shall have voted, unless required to do so as witnesses in judicial proceedings.

Fourth. District election boards are to be constituted uniformly throughout the State according to the plan of the general election act of 1839; that is, of a judge, two inspectors, and two clerks, the inspectors to be chosen by the limited vote; and no person holding any public office or employment, or who has held such within two months, shall be qualified to serve as an election officer.

Fifth. Overseers of election may be appointed by the Courts of Common Pleas whenever their appointment shall be a reasonable precaution to secure the purity and fairness of elections, and shall possess certain additional powers to those possessed by such overseers under the present laws of the State.

Sixth. No person shall be permitted to withhold his testimony as a witness in any election trial or investigation upon the ground that it will criminate himself, and several careful provisions are made against the corruption of voters or violation of the election laws by candidates.

Seventh. All laws regulating the holding of elections, and for registration of voters, must be uniform throughout the State, but the right of an unregistered voter is carefully preserved.

Lastly, Trials of all contested elections in this State are to be in courts of justice, or before law judges thereof, under regulations to be established by statute, so that the scandal of unjust and party decisions of such cases shall be prevented hereafter.

A few other changes of less importance, but tending to improvement, will be observed upon a careful reading of this article, and, upon the whole, it may be assumed that justice and purity in elections will be greatly promoted thereby, and offenders against election laws curbed and punished.

IX. TAXATION AND FINANCE.

This article retains all the salutary provisions of the old constitution against an increase of the State debt, and for a sinking fund, as well as those which forbid subscriptions by the State or by municipalities to the stock or loans of corporations, or the pledging of public credit to such bodies, and makes more secure against manipulation and misuse the moneys and securities of the sinking fund of the State.

Strong limitations upon the creation of debts by municipalities are added to the provisions above mentioned, as well as others in relation to the application and uses of surplus funds in the Treasury of the Commonwealth, and the making of private profit therefrom is made a criminal offence. Finally, taxation is to be equal upon all property of the same class, and the property which may be exempted from taxation by statute is accurately limited and defined.

X. EDUCATION.

The article upon education has been expanded in the new constitution from the former provision for the education of the children of the poor gratis to one for the education of all the children of the State

over six years of age who may require such provision; and a guarantee is given of a liberal annual appropriation for that object. It is also provided that public-school moneys shall not be appropriated to the support of sectarian schools, and that women, who supply a majority of the teachers of the State, and are natural protectors and teachers of the young, may be selected for positions of control and management under the school laws of the State.

XI. MILITIA.

The article in the old constitution on this subject is substantially retained, the only change being in regard to the exemption from military duty of those who have conscientious scruples against bearing arms. The question of exemption and the form which it may assume are left to the Legislature of the State.

XII. PUBLIC OFFICERS.

This article retains several provisions found in the old constitution which are appropriate and useful.

XIII. NEW COUNTIES.

In this article the provision in the old constitution which requires that any new county shall contain at least four hundred square miles is retained; and to it are added that such new county shall contain at least twenty thousand inhabitants, that none of its lines shall pass within ten miles of the county seat of any county proposed to be divided, and that no old county shall be reduced below the area or population required for a new one. The requirement of the old constitution that a majority of the voters of the county must agree in order to its division is dropped, but in the article on legislation it is provided that new counties shall be established and county lines changed only under general and uniform laws.

XIV. COUNTY OFFICERS.

The seven sections of this article are almost entirely new, and they introduce important regulations of county government. Commissioners and auditors of counties are to be elected triennially, commencing with the year eighteen hundred and seventy-five, and are to be divided between political parties upon a principle of proportional representation. In counties of large population they are to be paid by salaries, and all fees of office are to be paid into the treasury of the county or State. The strict accountability of all county, township, and borough officers is to be provided for by law. The various county officers are enumerated, and those who shall keep their offices at the county seat specified, and the terms of all county offices fixed at three years, to begin on the first Monday of January next after their election.

XV. CITIES AND CITY CHARTERS.

Provision is made in this article (which is new) for the incorporation of cities containing ten thousand inhabitants, upon demand of the people thereof. Every city must establish a sinking fund for the payment of

its debts, and is protected against the creation of any debt by any municipal commission except upon appropriation first made by the government of the city.

XVI. PRIVATE CORPORATIONS.

Most of this article is also new and it constitutes one of the important divisions of the new constitution. Many salutary regulations against abuse in corporate management and securities against monopoly and clique management are contained in it. Corporations are to be confined to the business for which they shall be established, and their charters may be repealed when the public interest shall demand it, upon condition that injustice shall not be done to the corporators. All unused charters existing when the constitution shall take effect shall be void.

XVII. RAILROADS AND CANALS.

This article, which covers a comparatively new field of constitutional action, was one of those most earnestly considered by the convention, and almost the whole of it is new matter, and deeply interesting to all the people and particularly to the business interests of the State. Any synopsis of its contents would give an imperfect view of its importance, and of the varied points of business, and of corporate action and management with which it deals. The regulations which it imposes upon railroad and canal companies are believed to be more judicious and well advised than those which have been established by constitutional provision and by statute in other States, and were adopted by the Convention in a spirit of complete fairness to all interests with which they are concerned. The eighth section, which limits the granting of free passes, will doubtless attract general attention and commend itself to those who have not heretofore enjoyed them. But the feature of principal value contained in this article is the stringent limitations imposed upon the railroad and other transportation companies in regard to discriminations and favoritism in the conduct of their works and business. These limitations, which may from time to time be perfected by statute, will, it is believed, correct many abuses and recommend themselves upon trial to the whole people of the State.

XVIII. FUTURE AMENDMENTS.

This, the last of the articles, is taken nearly entire from the old constitution, and provides a reasonable means for securing occasional changes in the fundamental law, as they shall be found necessary in future years.

JOHN H. WALKER,
President.

Attest: D. L. IMBRIE,
Chief Clerk.

AN ORDINANCE

FOR SUBMITTING THE AMENDED CONSTITUTION OF PENNSYLVANIA TO A
VOTE OF THE QUALIFIED ELECTORS THEREOF.

Be it ordained by the Constitutional Convention of the Commonwealth of Pennsylvania, as follows :

1. That the amended Constitution prepared by this Convention be submitted to the qualified electors of the Commonwealth for their adoption or rejection, at an election to be held on the third Tuesday of December next; except as hereinafter ordered and directed, the said election shall be held and conducted by the regular election officers in the several election districts throughout the Commonwealth, under all the regulations and provisions of existing laws relating to general elections; and the sheriffs of the several counties shall give at least twenty days' notice of said election by proclamation.

2. The Secretary of the Commonwealth shall, at least twenty days before the said election, furnish to the Commissioners of each county, a sufficient number of properly prepared circulars of instructions. The Commissioners of the several counties shall cause to be printed at least three times as many ballots of affirmative votes as there are voters in each county—and the same number of negative votes; and the said Commissioners shall, at least five days before said election, cause to be fairly distributed to the several election districts in their respective counties, the said ballots, tally-lists, returns, circulars of instructions, and such other books and papers as may be necessary. The ballots shall be printed or written in the following form: On the outside the words "New Constitution;" in the inside for all persons giving affirmative votes the words "For the New Constitution," and for all persons giving negative votes the words "Against the New Constitution."

3. If it shall appear that a majority of the votes polled are for the new Constitution, then it shall be the Constitution of the Commonwealth of Pennsylvania on and after the first day of January, in the year of our Lord, one thousand eight hundred and seventy-four; but if it shall appear that a majority of the votes polled were against the new Constitution, then it shall be rejected and be null and void.

4. Five Commissioners of Election, viz: Edwin H. Fitler, Edward Browning, John P. Verree, Henry S. Hagert, and John O. James, are hereby appointed by this Convention, who shall have direction of the election upon this amended Constitution in the city of Philadelphia. The said Commissioners shall be duly sworn or affirmed to perform their duties with impartiality and fidelity. They shall also have power to fill vacancies in their own number. It shall be the duty of said

Commissioners, or a majority of them, and they shall have authority to make a registration of voters for the several election divisions of said city, and to furnish the lists so made to the election officers of each precinct or division; to distribute the tickets for said city provided for by this ordinance to be used at the election; to appoint a judge and two inspectors for each election division, by whom the election therein shall be held and conducted, and to give all necessary instructions to the election officers regarding their duties in holding the election and in making returns thereof. No person shall serve as an election officer who would be disqualified under Section 15, Article 8, of the new Constitution. The general return of the election in the said city shall be opened, computed and certified before the said Commissioners, and with their approval—which approval shall be endorsed upon the return. They shall make report, directed to the President of this Convention, of their official action under this ordinance and concerning the conduct of the said election within the said city.

The Judges and Inspectors aforesaid shall conduct the election in all respects conformably to the general election laws of this Commonwealth, and with like powers and duties to those of ordinary election officers. Each Inspector shall appoint one clerk to assist the Board in the performance of its duties, and all the election officers shall be duly sworn or affirmed according to law, and shall possess all the qualifications required by law of election officers in this Commonwealth. At said election any duly qualified elector who shall be unregistered, shall be permitted to vote upon making proof of his right to the election officers, according to the general election laws of this Commonwealth. Return Inspectors and their clerks and an hourly count of the votes shall be dispensed with, but overseers of election may be selected for any precinct by said Election Commissioners, whose duties and powers shall be the same as those of overseers of election in said city under existing election laws applicable thereto. Returns of the election shall be made in said city as in the case of an election for Governor, but a triplicate general return for said city shall be made out and forwarded to the President of this Convention at Harrisburg, as is hereafter provided in case of county returns.

5. In each of the Counties of the Commonwealth (except Philadelphia), the returns of the Election shall be made as in the case of an Election for Governor, but the return Judges in each County shall make out a triplicate County return and transmit the same, within five days after the election, directed to the President of this Convention at Harrisburg.

Done in Convention this Third day of November, in the year of our Lord, one thousand eight hundred and seventy-three.

JOHN H. WALKER,

President.

Attest: D. L. IMBRIE,

Chief Clerk.

3 0112 099024199